## CONCISE EXPLANATORY STATEMENT

In accordance with the Administrative Procedures Act, R.I. Gen. Laws § 42-35-2.6, the following is a concise explanatory statement:

**AGENCY:** Coastal Resources Management Council (CRMC)

**DIVISION:** N/A

**RULE IDENTIFIER:** 650-RICR-20-00-1
**RULE TITLE:** Red Book (650-RICR-20-00-1)

**REASON FOR RULEMAKING:** The Coastal Resources Management Council has interpreted the policies, standards, and text of the Red Book (650-RICR-20-00-1) to include the administrative penalty matrix guidance for violations of the Rhode Island Coastal Resources Management Program within the state of the Rhode Island.

**ANY FINDING REQUIRED BY LAW AS A PREREQUISITE TO THE EFFECTIVENESS OF THE RULE:** N/A

**TESTIMONY AND COMMENTS:** The CRMC received two (2) comments during the public comment period. The first was from CRMC Staff at the public hearing held on September 15, 2024. The comment from CRMC Staff was to point out a grammatical error in Section 1.1.13 (D) of the proposed Red Book amendment. This grammatical error was to change the incorrect reference in Section D from "Section 1.14.15" to the appropriate reference of "Section 1.4.15".

The second public comment came from Save The Bay who supported the proposed amendments, but also suggested changes.

**CHANGE TO TEXT OF THE RULE:** The grammatical error in Section 1.1.13 (D) to change the incorrect reference in Section D from "Section 1.14.15" to the appropriate reference of "Section 1.4.15" was incorporated into the adopted regulations.

The CRMC Staff reviewed the comments and responded to Save the Bay. The suggested changes were not recommended to be included in the final amendment by CRMC Staff and were not adopted by the CRMC Council.

**REGULATORY ANALYSIS:**

R.I. Gen. Laws § 46-23-7.1 enables the Coastal Resource Management Council to administer and enforce administrative penalties. Also pursuant to the Red Book (650-RICR-20-00-1) CRMC Staff developed an Administrative Penalty matrix. The regulation change would allow the Executive Director or designee to consider the most recent revision of the Administrative Penalty Matrix form when hearing cases that may result in administrative fines. Reference to the Administrative Penalty Matrix is also proposed in 650-RICR-10-00-1.4.15: Administrative Penalty Matrix of the CRMC Management Procedures.

The intent of the matrix is to show the nexus between the CRMC's enabling legislation on assessing penalties and the rationale and backup in determining actual fines. The matrix will allow further application of set standards that will increase the transparency and fairness in hearing these matters.